THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.20438 of 2001

DATED: 29.12.2006

Between:

Dr.D.Rajasekhar Reddy

…Petitioner

and

Visakhapatnam Urban Development
Athority represented by its Chairman,
Visakhapatnam.

...Respondent

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.20438 of 2001

ORDER:

Heard both the counsel.

The present Writ Petition is filed for the Writ of Mandamus declaring the action of the repondent in insisting the petitioner to pay an amount of Rs.1,41,600/- more towards development costs with penal interest of Rs.1,72,400/- through proceedings dated 6.9.2001 in RC.No.2/208/96/EM.I as illegal, arbitrary and violative of Article 14 and 300A of the Constitution of India and Section 27 read with Section 28 of the Andhra Pradesh Urban Areas Development Act, 1975 and consequently, direct the respondent to register the plot no.208 in the category 'C' of the extent of 600 sq. yards in Rishikonda,

Visakhapatnam in favour of the petitioner and to pass such other suitable orders.

This Court in W.P.M.P.No.25770 of 2001 while issuing Rule Nisi in the Writ Petition on 03.10.2001 made the following order:-

> "Ms.Sumalini Reddy, learned Standing Counsel takes notice on behalf of the respondent and requests three weeks time for counter
>
> Pending further orders, the respondent is directed not to cancel the allotment of Plot No.208 in the category 'C' of an extent of 600 sq. yards in the Rishikonda, Visakhapatnam, subject to the condition of the petitioner depositing simple interest at the rate of 18% p.a. on the amount payable at the rate of Rs.99/- per sq. yard within four weeks from today.
>
> Notice."

It is stated by learned Standing Counsel Preeti Reddy that the order had been complied with. It is also brought to the notice of this Court that similar Writ Petition No.644 of 1997 was disposed of by this Court by order dated 18.09.1997.

Several factual details are narrated in paras 2 to 9 of the affidavit filed in support of the Writ Petition. Inasmuch as of the similar circumstances, W.P.No.644 of 1997 had been disposed of by this Court. Taking the over all facts and circumstances, this Court is inclined to dispose of the present Writ Petition in the following terms:-

The respondent is directed to modify the impugned demand by charging simple interest at the rate of 18% per annum on only the development cost payable at Rs.99/- per sq. yard outstanding from the petitioner from 30.09.1989 until the actual date of payment. If any amount has been already paid earlier, the interest will be calculated only up to the date of the actual payment. If any outstanding amount is there even today, interest will continue to run on the outstanding amount until the entire balance is paid.

Accordingly, the Writ Petition is partly allowed to the extent

indicated above. No order as to costs.

(P.S.NARAYANA,J)

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